

California Regional Water Quality Control Board
Santa Ana Region

October 25, 2002

ITEM: 7

SUBJECT: Request for Cleanup and Abatement Account Funds for Perchlorate Cleanup Projects

DISCUSSION:

The Cleanup and Abatement Account (CAA) was created by Water Code Sections 13440-13443. Monies received from court judgments and the assessment of administrative civil liabilities fund the Account. The management of the CAA is the responsibility of the State Water Resources Control Board. Monies from the CAA are available for contract services to cleanup a waste or abate the effects of a waste discharge and to remedy an actual or potential unforeseen public health threat. The State Water Resources Control Board, the regional boards, or any governmental agency with the authority to cleanup or abate the effects of waste discharges are eligible for funding from the CAA. The State Water Resources Control Board allocates monies from the CAA for special projects and for emergency projects on a case-by-case basis.

The Regional Board has previously received information concerning the serious perchlorate pollution problem in the Rialto, Colton and Chino Groundwater Basins. Water purveyors in these basins, including the City of Rialto, the City of Colton, West San Bernardino County Water District and the Fontana Water Company, have shut down or restricted the use of sixteen water supply wells in response to the perchlorate pollution. The purveyors have indicated that the loss of these wells constitutes a water supply emergency for their service areas. Further, it is critical that projects be initiated at the earliest possible time to remove perchlorate from the ground water resource and to minimize the further spread of the pollutant.

There is no question that wellhead treatment of the existing affected wells is critical to slowing the spread of perchlorate in the Rialto, Colton and Chino Groundwater Basins. Further, wellhead treatment projects must be developed and implemented at the earliest possible time to minimize further pollution.

Unfortunately, the purveyors do not have adequate resources to implement all of the wellhead treatment necessary to replace the water supply lost to perchlorate pollution, or to stop the spread of pollution to unaffected areas of the groundwater basins. Therefore, as the Board's regulatory efforts bring the parties responsible for the perchlorate contamination under orders for plume investigation, characterization and cleanup, it is critical that all potential funding sources be utilized to initiate and implement treatment strategies to minimize the further spread of the perchlorate plume, as directed by the Regional Board on September 13, 2002.

It is appropriate that the CAA be utilized for support of the necessary wellhead treatment projects in this matter. All of the parties responsible for this pollution have not yet been identified, and for those parties that have been identified, any contributions or cost recovery that they will eventually provide may not be available to address the emergency nature of this problem. The proposed wellhead treatment projects would effectively remove pollution from the

ground water aquifer and would also restore the utility of the resource by bringing the unused wells back into service, while serving the treated water in the public water supply systems. Staff also proposes that any cost recovery activities of the water purveyors and the Regional Board be directed towards recovering the costs of any CAA expenditures in support of these wellhead treatment projects, and returning the recovered costs back to the CAA to fund other projects.

The CAA is administered by the State Board through the Division of Clean Water Programs (DCWP). The DCWP is now implementing a semi-annual review of projects proposed for funding through the CAA. The current period for submittal of proposals ends on December 1, 2002. It is expected that projects would be considered for funding at the State Board's February, 2003 meeting. Therefore, it is important that project proposals be prepared by the purveyors and transmitted to the Regional Board for inclusion in the Board's package to be sent on to the State Board. If the Board agrees that this request for funding through the CAA is appropriate, staff will ask the purveyors to prepare project proposals for immediate implementation. The supporting Board resolution for this matter asks that the purveyors submit project proposals to the Board by November 15, 2002. This will give staff time to request any supplemental information needed to support the original proposals and still transmit them to the State Board by the December 1, 2002 deadline.

The CAA is used for many purposes throughout the state. The projects submitted to the State Board during the period ending on December 1st are just part of the demands made on the CAA. Staff roughly estimates, based on very preliminary information that wellhead treatment projects for perchlorate will be in the range of \$2 million for each well. With a total of 20 wells currently exceeding the drinking water Action Level for perchlorate, it is expected that wellhead treatment will be in the range of \$40 million, but it certainly could go much higher, given other ancillary costs. Each of the four purveys affected by perchlorate in the Rialto, Colton and Chino groundwater basins have a number of wells that have been taken out of service. Given our understanding of the current status of the CAA, staff recommends that the Board request an allocation of \$3 million from the CAA to support the necessary and important wellhead treatment projects that will be required by each of the four purveyors. Should this request be granted by the State Board, each purveyor could receive approximately \$750,000 for a wellhead project.

RECOMMENDATION: Adopt Resolution No. R8-2002-0091 requesting the State Board to allocate \$3 million from the Cleanup and Abatement Account to support construction of wellhead treatment projects by the City of Rialto, the City of Colton, West San Bernardino County Water District, and the Fontana Water Company.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2002-00-91

Request for Cleanup and Abatement Account Funds for Wellhead Treatment Projects in
the Rialto, Colton and Chino Groundwater Subbasins, San Bernardino County

WHEREAS:

1. Sections 13440 through 13443 of the California Water Code established the State Water Pollution Cleanup and Abatement Account (Account) to be administered by the State Water Resources Control Board (State Board).
2. Grants to public agencies and regional boards are available from the Account. The State Board may order monies to be paid from the Account to assist a public agency or a regional board to assist it in cleaning up waste or abating its effects on waters of the State.
3. The Rialto, Colton and Chino Groundwater Subbasins are beneficially used for municipal and domestic supply. A significant water quality problem that poses a potential threat to public health currently exists in the Rialto, Colton and Chino Groundwater Subbasins due to perchlorate pollution. Sixteen municipal wells belonging to four water purveyors (West San Bernardino County Water District, Fontana Water Company and the Cities of Colton and Rialto) have been taken out of service or have had their use severely restricted. The perchlorate pollution threatens to impact additional municipal wells. The Department of Defense and numerous industrial waste dischargers have been identified as potential sources of the pollution. Funding is necessary to assist these water purveyors in developing wellhead treatment projects to ensure that an adequate supply of drinking water is available to the public and to prevent further degradation of the resource.
4. The Executive Officer is sending letters pursuant to California Water Code Section 13267 to all suspected perchlorate dischargers, directing them to submit work plans for separate or cooperative soil and groundwater investigations. Regional Board staff is also facilitating efforts among the suspected perchlorate dischargers to provide replacement water to compensate for the loss or restricted use of municipal water supply wells in the Colton, Rialto and Chino Groundwater Subbasins.

THEREFORE, BE IT RESOLVED THAT:

1. The Executive Officer shall request each of the four water purveyors to submit a Project Plan by November 15, 2002. The Project Plan shall describe how each water purveyor will utilize funds from the Cleanup and Abatement Account to ensure that an adequate supply of drinking water is available to the public.
2. The Executive Officer shall submit a Request for Cleanup and Abatement Funds to the State Board for a total of \$3 million (distributing \$750,000 to each of the four water purveyors). The funds shall be requested to be provided to the Regional Board for distribution to the four water purveyors.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 25, 2002.

Gerard J. Thibeault
Executive Officer